



12 FEB 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

427

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Pillsbury Winthrop LLP
Intellectual Property Group
11682 El Camino Real
Suite 200
San Diego, CA 92130

In re Application of :
BOURDON, Mario A., et al. :
Application No.: 09/701,162 :
PCT No.: PCT/US98/25791 :
Int. Filing Date: 04 December 1998 :
Priority Date: 05 December 1997 :
Attorney Docket No.: LJIEM110-1 :
For: INHIBITION OF TUMOR GROWTH :
BY MACROPHAGE :
INTERVENTION :

DECISION ON

PETITION UNDER

37 CFR 1.181

This is a decision on applicants' "Petition Under 37 CFR §1.181," filed in the United States Patent and Trademark Office (USPTO) on 11 February 2004.

BACKGROUND

On 04 December 1998, applicants filed international application PCT/US98/25791, which claimed a priority date of 05 December 1997. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 17 June 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 04 June 1999, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 June 2000.

On 22 November 2000, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and petition to revive.

On 08 February 2001, USPTO mailed a petition decision granting applicants' petition to revive.

On 05 April 2001, USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant had not furnished the required sequence listing.

On 05 September 2001, applicants furnished a sequence listing.

On 24 February 2003, the Office mailed Notification of Defective Response, indicating that the sequence listing did not comply with 37 CFR 1.822.

On 11 April 2003, applicants submitted a sequence listing in paper form.

On 30 September 2003, applicants submitted a computer readable format, a postcard receipt and the sequence listing in paper form.

On 11 February 2004, applicant submitted the instant petition.

DISCUSSION

A petition under 37 CFR 1.181 must be accompanied by copies of what is claimed to have been earlier submitted and evidence that those papers were submitted at an earlier point.

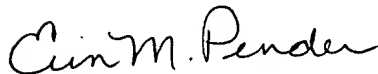
Applicant has submitted a copy of a postcard receipt identifying the instant application by title, inventor and serial number, stamped 11 April 2003 and listing a sequence listing in both CFR and paper forms. This is adequate evidence that the listed items were received by the Office on 11 April 2003. Applicant indicates that the enclosed are true copies of the 11 April 2003 submission and the statement is signed by someone registered to practice before the Office.

The sequence listing has been entered.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455

Facsimile: 703-308-6459